

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
BEAUTYBANK, INC.,

Plaintiff,

-v.-

KUMAR RAMANI, AGELESS FANTASY LLC,  
AGELESS CONCEPTS INC.,

Defendants.  
-----X

No. 10 Civ. 955 (KPF)

<p><b>USDC SDNY</b> <b>DOCUMENT</b> <b>ELECTRONICALLY FILED</b> <b>DOC #:</b> _____ <b>DATE FILED:</b> <u>10/24/13</u></p>
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PLEASE CHECK (X) YOUR ANSWERS

All jurors must agree on the answers to all of the questions.

**Issue I: Liability**

1. Has Plaintiff established its claim of trademark infringement under federal law as to:

a. Kumar Ramani?      Yes ✓      No \_\_\_\_\_

If yes to question 1(a), has Plaintiff proven that this Defendant acted willfully in committing federal trademark infringement?

Yes ✓      No \_\_\_\_\_

If yes to question 1(a), has Plaintiff proven that this Defendant acted in bad faith in committing federal trademark infringement?

Yes ✓      No \_\_\_\_\_

b. Ageless Fantasy LLC?      Yes ✓      No \_\_\_\_\_

If yes to question 1(b), has Plaintiff proven that this Defendant acted willfully in committing federal trademark infringement?

Yes ✓      No \_\_\_\_\_

If yes to question 1(b), has Plaintiff proven that this Defendant acted in bad faith in committing federal trademark infringement?

Yes ✓      No \_\_\_\_\_

c. Ageless Concepts Inc.? Yes ☒ No ☐

If yes to question 1(c), has Plaintiff proven that this Defendant acted willfully in committing federal trademark infringement?

Yes ☒ No ☐

If yes to question 1(c), has Plaintiff proven that this Defendant acted in bad faith in committing federal trademark infringement?

Yes ☒ No ☐

*Proceed to Question 2.*

2. Has Plaintiff established its claim of false designation of origin under federal law as to:

a. Kumar Ramani? Yes ☒ No ☐

If yes to question 2(a), has Plaintiff proven that this Defendant acted willfully in committing false designation of origin under federal law?

Yes ☒ No ☐

If yes to question 2(a), has Plaintiff proven that this Defendant acted in bad faith in committing false designation of origin under federal law?

Yes ☒ No ☐

b. Ageless Fantasy LLC? Yes ☒ No ☐

If yes to question 2(b), has Plaintiff proven that this Defendant acted willfully in committing false designation of origin under federal law?

Yes ☒ No ☐

If yes to question 2(b), has Plaintiff proven that this Defendant acted in bad faith in committing false designation of origin under federal law?

Yes ☒ No ☐

c. Ageless Concepts Inc.? Yes ☒ No ☐

If yes to question 2(c), has Plaintiff proven that this Defendant acted willfully in committing false designation of origin under federal law?

Yes ☒ No ☐

If yes to question 2(c), has Plaintiff proven that this Defendant acted in bad faith in committing false designation of origin under federal law?

Yes ☒ No ☐

*Proceed to Question 3.*

3. Has Plaintiff established its claim of false advertising under federal law as to:

a. Kumar Ramani? Yes ☒ No ☐

If yes to question 3(a), has Plaintiff proven that this Defendant acted willfully in committing false advertising under federal law?

Yes ☒ No ☐

If yes to question 3(a), has Plaintiff proven that this Defendant acted in bad faith in committing false advertising under federal law?

Yes ☒ No ☐

b. Ageless Fantasy LLC? Yes ☒ No ☐

If yes to question 3(b), has Plaintiff proven that this Defendant acted willfully in committing false advertising under federal law?

Yes ☒ No ☐

If yes to question 3(b), has Plaintiff proven that this Defendant acted in bad faith in committing false advertising under federal law?

Yes ☒ No ☐

c. Ageless Concepts Inc.? Yes ☒ No ☐

If yes to question 3(c), has Plaintiff proven that this Defendant acted willfully in committing false advertising under federal law?

Yes ☒ No ☐

If yes to question 3(c), has Plaintiff proven that this Defendant acted in bad faith in committing false advertising under federal law?

Yes ☒ No ☐

*Proceed to Question 4.*

4. If you answered "yes" to question 3(a), 3(b), or 3(c), which asks whether Plaintiff established its claim of false advertising under federal law as to each Defendant, then which one, or more, of the below statements do you find are false? Place a check (✓) next to each statement that qualifies.

☒ Defendants' fragrance bearing the name EAU FLIRT was clinically proven to make "men flirt with women."

☒ EAU FLIRT-branded perfume contained no artificial colorings.

☒ EAU FLIRT perfume was "based on" research from leading dermatologists, psychologists, physicians, and doctors.

☒ EAU FLIRT perfume contains fragrance notes of pumpkin pie and lavender.

*Proceed to Question 5.*

5. Has Plaintiff established its claim of trademark infringement under the common law of the State of New York as to:

a. Kumar Ramani? Yes ☒ No ☐

If yes to question 5(a), has Plaintiff proven that this Defendant acted willfully in committing trademark infringement under the common law of the State of New York?

Yes ☒ No ☐

If yes to question 5(a), has Plaintiff proven that this Defendant acted in bad faith in committing trademark infringement under the common law of the State of New York?

Yes ☒ No ☐

b. Ageless Fantasy LLC? Yes ☒ No ☐

If yes to question 5(b), has Plaintiff proven that this Defendant acted willfully in committing trademark infringement under the common law of the State of New York?

Yes ☒ No ☐

If yes to question 5(b), has Plaintiff proven that this Defendant acted in bad faith in committing trademark infringement under the common law of the State of New York?

Yes ☒ No ☐

c. Ageless Concepts Inc.? Yes ☒ No ☐

If yes to question 5(c), has Plaintiff proven that this Defendant acted willfully in committing trademark infringement under the common law of the State of New York?

Yes ☒ No ☐

If yes to question 5(c), has Plaintiff proven that this Defendant acted in bad faith in committing trademark infringement under the common law of the State of New York?

Yes ☒ No ☐

*Proceed to Question 6.*

6. Has Plaintiff established its claim of unfair competition under the common law of the State of New York as to:

a. Kumar Ramani? Yes ☒ No ☐

If yes to question 6(a), has Plaintiff proven that this Defendant acted willfully in committing unfair competition under the common law of the State of New York?

Yes ☒ No ☐

If yes to question 6(b), has Plaintiff proven that this Defendant acted in bad faith in committing unfair competition under the common law of the State of New York?

Yes ☒ No ☐

b. Ageless Fantasy LLC? Yes ☒ No ☐

If yes to question 6(b), has Plaintiff proven that this Defendant acted willfully in committing unfair competition under the common law of the State of New York?

Yes ☒ No ☐

If yes to question 6(b), has Plaintiff proven that this Defendant acted in bad faith in committing unfair competition under the common law of the State of New York?

Yes ☒ No ☐

c. Ageless Concepts Inc.? Yes ☒ No ☐

If yes to question 6(c), has Plaintiff proven that this Defendant acted willfully in committing unfair competition under the common law of the State of New York?

Yes ☒ No ☐

If yes to question 6(c), has Plaintiff proven that this Defendant acted in bad faith in committing unfair competition under the common law of the State of New York?

Yes ☒ No ☐

*Proceed to Question 7.*

7. Has Plaintiff established its claim of deceptive acts and practices under New York State law as to:

a. Kumar Ramani? Yes ☒ No ☐

If yes to question 7(a), has Plaintiff proven that this Defendant acted willfully in committing deceptive acts and practices under New York State law?

Yes ☒ No ☐

If yes to question 7(a), has Plaintiff proven that this Defendant acted in bad faith in committing deceptive acts and practices under New York State law?

Yes ☒ No ☐

b. Ageless Fantasy LLC? Yes ☒ No ☐

If yes to question 7(b), has Plaintiff proven that this Defendant acted willfully in committing deceptive acts and practices under New York State law?

Yes ☒ No ☐

If yes to question 7(b), has Plaintiff proven that this Defendant acted in bad faith in committing deceptive acts and practices under New York State law?

Yes ☒ No ☐

c. Ageless Concepts Inc.? Yes ☒ No ☐

If yes to question 7(c), has Plaintiff proven that this Defendant acted willfully in committing deceptive acts and practices under New York State law?

Yes ☒ No ☐

If yes to question 7(c), has Plaintiff proven that this Defendant acted in bad faith in committing deceptive acts and practices under New York State law?

Yes ☒ No ☐

*If you answered "Yes" to any of the questions above, proceed to the questions in Issue II. If you answered "No" to all of the questions above, please proceed to the final page and sign this form.*

## **Issue II: Damages**

8. Has Plaintiff established by a preponderance of the evidence that it is entitled to compensatory damages in the form of recovery of a defendant's profits from:

a. Kumar Ramani? Yes ☒ No ☐

If yes, in what amount? 120,000.00

b. Ageless Fantasy LLC? Yes ☒ No ☐

If yes, in what amount? 120,000.00

c. Ageless Concepts Inc.? Yes ☒ No ☐

If yes, in what amount? 120,000.00

*Proceed to Question 9.*

9. Has Plaintiff established by a preponderance of the evidence that it is entitled to punitive damages as to:

a. Kumar Ramani?

Yes ☒

No ☐

If yes, in what amount? 1,100,000.00

b. Ageless Fantasy LLC?

Yes ☒

No ☐

If yes, in what amount? 1,100,000.00

c. Ageless Concepts Inc.?

Yes ☒

No ☐

If yes, in what amount? 1,100,000.00

*Proceed to the next page.*



You are finished. Each juror who agrees with this verdict must sign below:

James R. Connelly 10/23/13 Melissa Redmont 10/23/13  
Foreperson

[Signature] 10/23/2013 [Signature] 10/23/13

[Signature] 10/23/13 [Signature] Oct 23, 2013

Susan Lacina 10/23/13 Sherry Belluode 10/23/13